IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.13358 of 2004

Between:

1.P.Joji, S/o.Ram,
Social Worker and Mandal Parishath Territorial Constituency Member,

Saroornagar, R/o.8-33, Prasanthinagar, Meerpet, Sarronagar Mandal,

Ranga Reddy Dist.
2.Ch.Ramu, S/o. Narsaiah,
R/o.99-914/5, Champapet, Hyderabad.

..... PETITIONERS

AND

1.The District Collector, Ranga Reddy District, at Lakdi Ka Pool, Hyderabad.
2.The Revenue Divisional Officer, Saroornagar, Ranga Reddy Dist.
3.The Mandal Revenue Officer, Saroornagar Mandal, Ranga Reddy Dist.
4. D. Adivaiah, S/o. late Yellaiah,
Harijan Basthi Meerpet vill, Saroornagar Mandal,
R.R.District.
5. Yadla Yadagiri, S/o. Late Venkaiah,
Harijan Basthi Meerpet vill, Saroornagar Mandal,
R.R.District.
6. P. Yellaiah, S/o. Late Sangaiah
Harijan Basthi Meerpet vill, Saroornagar Mandal,
R.R.District.
7. B. Pochaiah, S/o. Late Tulsaiah,
Harijan Basthi Meerpet vill, Saroornagar Mandal, R.R.District.

(RR-4 to 7 impleaded as per Court Order Dt.7.9.2004 in WPMP.No. 19241 of 2004)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly a writ in the nature of Mandamus, declaring the action of the respondents in not taking any action against the encroachers of the Manthrala Cheruvu situate in S.No.148 of Meerpet Village, Saroornagar Mandal, R.R.District as being illegal, arbitrary and is against their own instructions and consequently direct the respondents to protect the said tank by taking action against the encroachers.

Counsel for the Petitioners: Mr.M.A.ASHFAQ MOHIUDDIN

Counsel for Respondent Nos.1 to 3: G.P. FOR REVENUE

Counsel for Respondent Nos.4 to 7 : Mr.S.TULASI DAS

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

This is a petition filed as public interest litigation by P.Joji, claiming to be Member of Mandal Parishath Territorial Constituency, Saroornagar, and one Ch.Ramu seeking direction to the respondents to take action against the encroachers of Manthrala Cheruvu situate in Sy.No.148 of Meerpet village, Saroornagar Mandal, Ranga Reddy District.

When the writ petition came up for consideration, we called upon the District Collector and Mandal Revenue Officer to submit status report about the nature of the land and encroachment if any. The Deputy Collector & Mandal Revenue Officer has filed status report stating that as per the Revenue records, the land in old Sy.No.157 of Meerpet village, Saroornagar Mandal admeasuring Ac.54.18 gts. was a tank bed of Manthrala Cheruvu and during revision survey it was re-classified as Sy.No.148 and some error crept in while carrying out revision survey and the area of the tank bed was increased from Ac.54.18 gts. to Ac.67.08 gts. since certain patta lands were also included. The settlement error was rectified by the District Revenue Officer, Ranga Reddy District, after obtaining permission from the Director of Survey & Land Records, Andhra Pradesh, Hyderabad. It is stated that after receiving the orders of this Court, survey of the tank bed was carried out and it was noticed that there are encroachments in an area to the extent of Ac.6.10 gts. which is covered by structures. The details are as follows.

1.Residential Houses (5) - Ac.0.07 gts.

2.Dhobi Ghat - Ac.1.12 gts.

3.Hanuman Temple - Ac.1.00 gts.

4.Roads - Ac.3.31 gts.

Total - Ac.6.10 gts.

The status report further states that on receipt of the report of the surveyor, decision has been taken to initiate proceedings for eviction of the encroachers who have constructed houses. The remaining tank bed land is under the control of HUDA and the Government decided to raise plantation in the said area.

In view of the status report, no other or further directions deserve to be issued except directing the respondents to proceed against the unauthorized occupants in the land in Sy.No.148 of Meerpet in accordance with law after receiving and considering their explanation.

Writ petition stands disposed of accordingly.

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(DEVINDER GUPTA, C.J.)

25th October 2004.

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(C.V.RAMULU, J.)

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To

1.The District Collector, Ranga Reddy District, at Lakdi Ka Pool, Hyderabad.
2.The Revenue Divisional Officer, Saroornagar, Ranga Reddy Dist.
3.The Mandal Revenue Officer, Saroornagar Mandal, Ranga Reddy Dist.
4.Two C.Cs to the Govt. Pleader for Revenue, High Court Bldgs., Hyderabad (OUT).

5.Two C.D.copies.